

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte OH-KYONG KWON and KOAN-YEL JEONG

Appeal No. 2000-1985
Application No. 09/124,091

ON BRIEF

Before LALL, DIXON and SAADAT, **Administrative Patent Judges**.
DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 9-21 which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

Appellants' invention relates to a RESURF EDMOS (Reduced Surface Field Extended Drain MOS) transistor and high voltage multiplexer circuit using the same. An understanding of the invention can be derived from a reading of exemplary claim 9, which is reproduced below.

9. A multiplexer circuit comprising:

a first transistor coupled between a first predetermined voltage and a node;

a second transistor coupled between a second predetermined voltage and the node; and

a third transistor coupled between a third predetermined voltage and the node, wherein said first, second and third transistors are responsive to first, second and third clock signals, respectively such that one of the first, second and third predetermined voltages is outputted at the node, the first, second and third predetermined voltages being different, and said first transistor is a mono-directional transistor and said second transistor is a bi-directional transistor, and the second predetermined voltage is less than the first predetermined voltage, and greater than the third predetermined voltage.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Takahashi et al. (Takahashi)	4,551,634	Nov. 05, 1985
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Appellant's admitted prior art (AAPA) as shown in Figures 1A-1C and Figure 2A-2B

Claims 9-21 stand rejected under 35 U.S.C. § 103 as being unpatentable over Takahashi in view of AAPA.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 13, mailed Dec. 23, 1999) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 12, filed Oct. 20, 1999) for appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations which follow.

The examiner maintains that it would have been obvious to one of ordinary skill in the art to incorporate a mono-directional transistor and an RESURF transistor as taught by the AAPA into the circuit of Takahashi and that the selection of the relative voltage values would be a design expedient. (See answer at page 4.) We disagree with the examiner.

Appellants argue that the AAPA teaches only the use of one type of transmission gate or transistor in each of the prior art multiplexers. (See brief at page 7.) Similarly, the examiner admits that Takahashi teaches the use of a single type of bidirectional transmission gates connected to the input/output ports.

Appellants argue that there is no teaching or suggestion in the applied prior art wherein the first transistor is a mono-directional transistor and the second transistor is a bidirectional transistor as recited in independent claim 9. We agree with appellants that the examiner's proposed modification is not based upon the teachings and suggestions in the applied prior art, but is based upon impermissible hindsight reconstruction to modify the teachings of Takahashi. (See brief at page 8.) Therefore, we will not sustain the examiner's rejection of independent claim 9 and dependent claims 10-21.

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CONCLUSION

To summarize the decision of the examiner to reject claims 9-21 under 35 U.S.C.
§ 103 is reversed.

REVERSED

PARSHOTAM S. LALL)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH L. DIXON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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)	
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MAHSHID D. SAADAT)	
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